

REMARKS

Claims 27-60 and 63-86 are pending in the application. Claims 27, 32-33, 37-38, 41-44, 51, 54-60, 69-72, 74-77, 80 and 83-85 are amended herein. Applicant respectfully requests reconsideration of all pending claims.

Amendments to the Specification

In the specification, every occurrence of the term “infinite” has been replaced with the term “virtually unlimited”. Applicant submits that these amendments do not add new matter.

Applicant’s usage of the term “infinite” in the original specification is synonymous with “immense” and “virtually unlimited”. *See, e.g.*, the following definition of infinite: “indefinitely large; immense; inexhaustible; vast; exceedingly great in capacity.” Websters New Universal Unabridged Dictionary, ISBN 067141819X, 1983 (second definition).

Embodiments of the invention relate to a gaming machine having the capability to display an immense number of different possible designs and combinations of designs of different indicia. Each indicia may be displayed using a portion of the flexible display panel 42. *See* U.S. Publication 2003/0060269, *e.g.*, at pars. 0018, 0020, and FIGS. 1-2. Individual portions of the flexible display each provide an area on which graphical designs may be “lit up” for example, by an array of LCDs or LEDs. By lighting some pixels in the array and leaving others unlit, each array has the versatility to display a vast number of different designs, where each different design corresponds to a unique combination of lit and unlit pixels. During one game, an individual array may appear as a traditional graphic used on a slot machine, such as a 7 or a BAR or a cherry. On another game, the array may be an entirely new or unique design, such as an image of a cartoon character or a caricature.

Consider that the specification discloses that in one embodiment, the display panel may be a FOLED device. U.S. Publication 2003/0060269 at par. 0018. A FOLED device may have a pixel density between about 127 and 313 pixels per square inch. *See, e.g.* www2.electronicproducts.com/OLED_presents_high_pixel_density-article-opap10apr2005.html.aspx (127 pixels per sq. in.) and www.eetimes.com/news/semi/showArticle.jhtml?articleID=207801684 (313 pixels per sq. in.).

For the sake of example, assume that a reasonable array size corresponding to a portion of the flexible display used to display one graphical design is four square inches. That means the array has between about 508 and 1252 pixels available for forming an image. Assuming that each pixel can assume one of two states (on or off), the number of unique

images that can be formed using N pixels is 2^N , which for an array having $N = 508$ or $N = 1252$ pixels is an immense number. If the pixels can assume more than two states (for example, different colors or shades of gray), the number of possible images becomes larger, 3^N , 4^N , etc. Even larger numbers are obtainable, theoretically if not practically, by increasing the number of states per pixel or the number of pixels in the array. The number of different indicia that is theoretically achievable according to the invention is so large that for all practical purposes it approaches infinity.

In this respect, embodiments of the invention provide a virtually unlimited number of different possible indicia for display on the reel of a gaming machine. To avoid any misunderstanding regarding usage of the term “infinite” in the specification, and to traverse statutory rejections arising from such usage, applicant herein amends the specification to replace every occurrence of the term “infinite” with the term “virtually unlimited”. Applicant submits that this is a reasonable substitution, and requests that the amendments to the specification be entered.

Rejections – 35 USC § 112 – Written Description

Claims 27-60 and 63-86 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses.

Applicant has amended claims 27, 33, 37 and 72 by removing the term “addressable pixels” and replacing it with “*a panel having a plurality of portions, each portion configured to display indicia.*” This limitation is fully supported in the specification as filed. *See* U.S. Publication 2003/0060269, *e.g.*, at par. 0020 (“The display panel may control at least a portion of the displayed indicia in the flexible control panel”) and FIGS. 1-2. Applicant requests withdrawal of the corresponding § 112 rejections.

Applicant has amended claims 32, 37, 44 and 77 by removing the term “from a remote device”. The remaining limitations “*programmed to receive programming instructions for changing the game play indicia on the gaming apparatus*” (as in claims 32, 44 and 77) and “*receive programming instructions to dynamically change the indicia*” (as in claim 37) are fully supported in the specification as filed. *See* U.S. Publication 2003/0060269, *e.g.*, at pars. 0025-0026 (“the controller 80 may be programmed to choose indicia” and “the controller 80 may be programmed to determine an infinite variety of game play indicia and furthermore, the criteria for determining the indicia may be based upon any criteria” and “the controller 80 may be programmed to dynamically change the chosen

indicia”). To program the controller, and for the controller to determine indicia based on other criteria, imply that the controller is configured to receive instructions. Applicant requests withdrawal of the corresponding § 112 rejections.

Applicant respectfully requests reconsideration of the written description rejection with respect to claims 41-43 and 76 (regarding use of the term “themed”) and with respect to claims 57, 59 and 83 (regarding use of the term “a theme”). Applicant submits that the limitations “themed” and “a theme” are fully supported in the specification as filed. *See* U.S. Publication 2003/0060269, *e.g.*, at par. 0026 (“the criteria for determining the indicia may be base upon any criteria. For example, game play indicia may be *themed* ...”). Applicant requests withdrawal of the corresponding § 112 rejections.

Applicant has amended claims 58, 60 and 84 by changing the limitation “related to one or more of a particular casino, a game played on the gaming apparatus, a location or an event” to read: “*related to one or more of a particular casino, a machine, a gaming area, and a game show.*” This limitation is fully supported in the specification as filed. *See* U.S. Publication 2003/0060269, *e.g.*, at par. 0026. Applicant requests withdrawal of the corresponding § 112 rejections.

Rejections – 35 USC § 112 – Enablement

Claims 27-60 and 63-86 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses.

This rejection in part 2 of the Office Action essentially states that claims reciting limitations related to the display of indicia are not enabled because, whereas the specification states that the invention provides infinite possibilities for the display of the indicia, it is physically impossible to construct a machine having the capability to display infinite combinations of indicia. Applicant submits that his definition of “infinite” differs from the examiner’s definition, and that the rejection raises a question of semantics.

Applicant uses the term “infinite” in the specification as meaning “virtually unlimited”. This usage is consistent with the following dictionary definition of infinite: “indefinitely large; immense; inexhaustible; vast; exceedingly great in capacity.” Websters New Universal Unabridged Dictionary, ISBN 067141819X, 1983 (second definition).

Applicant recognizes that the examiner interprets “infinite” in a more mathematical sense as meaning “without limits; unbounded; boundless; not circumscribed; extending beyond measure or comprehension; endless; immeasurable.” *Id.* (first definition).

Applicant resolves the question of semantics by amending the specification to change every occurrence of the word “infinite” to “virtually unlimited”. *See* discussion above under the heading “Amendments to the Specification”. Applicant requests that the rejections under § 112 of claims 27-60 and 63-86 for lack of enablement be withdrawn.

Rejections – 35 USC § 112 –

Written Description Rejection Based on Alleged Misusage of the Term “Infinite”

In part 3 of the Office Action, the enablement rejection based on alleged misusage of the term “infinite” is recast as a rejection of claims 27-60 and 63-86 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses.

In view of the amendments to the specification herein, and the discussion of those amendments (above), applicant submits that replacement of the term “infinite” with “virtually unlimited” places the specification and claims in full compliance with the written description requirement. Applicant requests that the rejections of claims 27-60 and 63-86 under § 112 for improper written description be withdrawn.

Rejections – 35 USC § 112 – Indefiniteness

In part 4 of the Office Action, the enablement rejection based on alleged misusage of the term “infinite” is recast as a rejection of claims 27-60 and 63-86 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses.

In view of the amendments to the specification herein, and the discussion of those amendments (above), applicant submits that replacement of the term “infinite” with “virtually unlimited” places the claims in full compliance with 35 U.S.C. § 112, second paragraph. Applicant requests that the indefiniteness rejections of claims 27-60 and 63-86 be withdrawn.

Other Claim Amendments

In part 6 of the Office Action, the examiner points out redundancies in steps of claims 27, 33, 37 and 72. Applicant thanks the examiner for drawing attention thereto. Applicant has amended the steps in claims 27, 33, 37 and 72 to remove the redundancies, and to place the steps in a sequence similar to that shown in the application at FIG. 5.

Other amendments throughout the claims are made to improve clarity, to provide proper antecedent bases, and to provide proper claim dependencies. No new matter is introduced by any of these amendments.

Conclusion

Based on all of the above, all claims remaining in the application are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested. If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorney at (510) 663-1100.

Applicant does not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P267).

Respectfully Submitted,
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